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BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
KEVIN TUSO, R.P.	:	FINAL ORDER
License No. RI25396	:	OF DISCIPLINE
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has failed to renew his license for the current biennial period.

2. On or about August 14, 2001 through August 11, 1001, the Board attempted and failed to serve a subpoena on respondent to appear before the Board and give testimony under oath. (See attached Affidavit of Christine Green).

3. Respondent had listed on his most recent renewals as his address of record 118 Haddon Hills, Apt. B, Haddon Township and 2869 Driftwood Lane, Vineland, New Jersey. (See attached Affidavit of Lois Johnson.)

4. Respondent has failed to notify the Board as to his present address and has not made himself available for service of the subpoena from the Board.

CONCLUSIONS OF LAW

1. The above described conduct provides grounds for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.A.C. 13:45C-1.1 in that respondent has failed to cooperate with the Board by providing his current address and has therefore engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice

pharmacy in the State of New Jersey was entered on November 1, 2001 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional order was served upon respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and Provisional Order should be made final.

ACCORDINGLY, IT IS ON THIS DAY OF , 2001,

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so, and any

practice in this State prior to said appearance shall constitute grounds for the charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF PHARMACY

By: Anthony W. Alexander, R.P., President